

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

MYRON WILLIS and  
ERICK MICHAEL JACKSON,  
  
Plaintiffs,

vs.

Case No. 06-3001-CV-S-ODS

J.T. ROBERTS, Individually and in his  
Official Capacity as Sheriff of Pulaski  
County, Missouri, and PULASKI  
COUNTY, MISSOURI,

Defendants.

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ERICK MICHAEL JACKSON,  
Individually and as Personal  
Representative of the Estate of  
Earl Foxworth, Jr.,

Plaintiff,

vs.

Case No. 07-3057-CV-S-ODS

J.T. ROBERTS, Individually and in his  
Official Capacity as Sheriff of Pulaski  
County, Missouri, and PULASKI  
COUNTY, MISSOURI

Defendants.

**JUDGMENT APPROVING SETTLEMENT**

Now on this 5th day of March, 2008, before the Court is Plaintiffs' Petition for Approval of settlement. The parties announce a proposed settlement in the amount of Eighty-five Thousand and 00/100 Dollars (\$85,000.00) plus taxable court costs of Four Thousand One Hundred Nine and 00/100 Dollars (\$4,109.00), which Defendants propose to pay to the Plaintiffs on behalf of all persons entitled to share in the proceeds as the result of the wrongful death of Earl Foxworth, Jr.,

having paid all medical bills and funeral expenses and injuries incurred in the care and treatment of Earl Foxworth, Jr., deceased.

The parties waive trial by jury and oral and documentary evidence is adduced, and upon due consideration thereof, the Court having been fully advised in the premises, it is hereby ORDERED, ADJUDGED and DECREED that the cause of action and claim for injuries, damages and losses and for the wrongful death of Earl Foxworth, Jr., deceased, be settled for the total consideration of Eighty-five Thousand and 00/100 Dollars (\$85,000.00) plus taxable court costs of Four Thousand One Hundred Nine and 00/100 Dollars (\$4,109.00), and the settlement in said sum is hereby approved.

It is further ordered that at said time the Plaintiffs shall collect said settlement; receipt therefore; execute appropriate releases and file with this Court Plaintiffs' report.

It is the further finding of this Court that the only persons entitled to sue or join in this action for the death of Earl Foxworth, Jr., deceased, are Plaintiffs, Earl Alfonso Jackson, and Hannah White, and on evidence adduced, the Court finds that the following persons would share in said proceeds as distributed by the Estate of Earl Foxworth, Jr. in Pulaski County Circuit Court, Probate Division, Case No. 25P05060123P.

The court further finds that attorney Harold L. Whitfield of the law firm of Donald L. Schlappizzi, P.C. was lawfully employed and retained to represent Erick Michael Jackson, individually and as Personal Representative of the Estate of Earl Foxworth, Jr., and Myron Willis, against Pulaski County, Missouri and J. T. Roberts on account of the wrongful death of Earl Foxworth, Jr., and their agreement with attorney provided for payment of 40% of any proceeds the result of judgment or settlement recovery as attorneys' fees, plus expenses incurred in the preparation and prosecution of the claims, and said attorneys have in fact represented the interests of

Plaintiffs in investigating the facts and circumstances of the occurrence and injuries, and in negotiating a settlement of the claims, and said services directly resulted in the settlement proposed herein. Attorney Harold L. Whitfield incurred \$4,109 in taxable court costs in connection with said investigation, and the Court finds that it is reasonable and proper that attorney Harold L. Whitfield receive \$42, 589.87 in full and final satisfaction of his attorneys fees, taxable court costs, and other expenses associated with the investigation and settlement of this consolidated case.

It is further hereby ORDERED, ADJUDGED and DECREED that on receipt of settlement and report of the Plaintiffs the Defendants shall be and are hereby forever discharged, free from any and all liability of whatever kind or nature for the injures and death of Earl Foxworth, Jr., deceased.

3/5/08

William A. Knox  
Judge William A. Knox  
United States Magistrate Judge  
Western District of Missouri